

EXHIBIT 1

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Attorneys for Defendant MENZIES
AVIATION, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Renaldo Navarro,

Plaintiff,

vs.

Menzies Aviation, Inc., DOING BUSINESS AS
MENZIES; and DOES 1 through 10, inclusive,

Defendants.

Case No. 3:19-cv-8157

DECLARATION OF TRACY AGUILERA

State Court Action Filed: 10/23/19

Action Removed: December 16, 2019

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DECLARATION OF TRACY AGUILERA

I, Tracy Aguilera, declare as follows:

1. I am employed by Menzies Aviation as the Human Resources Manager for the Company's operations at San Francisco International Airport ("SFO"). I have been employed by Menzies in the SFO Human Resources Department since 1997 and have held my current position as Human Resources Manager since March 2010. I have personal knowledge of the facts contained in this declaration, and if called upon as a witness, I could and would competently testify thereto.

2. Menzies Aviation has operated at SFO for decades, competing for commercial aviation ground handling contracts with other subcontractors such as Swissport and Aircraft Service International, Inc. ("ASIG"). On February 1, 2017, Menzies Aviation, Inc. completed the acquisition of Aircraft Service International, Inc. from BBA Aviation, and thereafter continued to operate the ASIG business at SFO under the trade name Menzies Aviation. As part of that acquisition, Menzies inherited SFO ASIG employees from BBA Aviation. At the time Menzies completed this acquisition and for many years prior, the Service Employees International Union (the "Union") had represented the non-exempt Fuelers of ASIG, and the SEIU has continued to represent those Fuelers on an uninterrupted basis since the Menzies acquisition of ASIG.

3. One of the positions maintained by ASIG and now Menzies within the Fueling Department, both before and after the Menzies acquisition, is Fueling Supervisor. A true and correct copy of the job description for the Fueling Supervisor position after it was re-branded under the Menzies Aviation trade name is attached hereto as **Exhibit 18**.

4. After Menzies completed the acquisition of ASIG, it adopted and applied the Menzies Aviation employment policies and procedures to all former ASIG employees at SFO, including those in the Fueling Department. Including amongst those policies are Menzies' California Employee Handbook and its international Code of Conduct. A true and correct copy of excerpts of the California Employee Handbook are attached hereto as **Exhibit 19**, and a true and correct copy of excerpts of the Code of Conduct are attached hereto as **Exhibit 20**.

5. In my capacity as Human Resources Manager, my job responsibilities include maintaining as business records all the personnel file and related Human Resources material generated

1 by Menzies and received by Menzies from other sources. I keep such records in my own files housed
2 within my office, which I keep locked to ensure no unauthorized individuals can access such materials.
3 In the course of an investigation into a petition received by Menzies regarding Andrew Dodge in August
4 2018, three Menzies employees provided written statements regarding the circumstances of placing their
5 signature on that petition. These statements were prepared by Menzies employees themselves, based on
6 their own personal knowledge, during the August 2018 time period of the investigation. I received the
7 original copies of these three statements, filed them within Renaldo Navarro's personnel file, and retain
8 possession of and control over the originals of these three statements in the ordinary course of my
9 business, just as I do regularly with respect to other investigation and Human Resources/personnel-
10 related materials. True and correct copies of these three statements provided to Menzies are attached
11 hereto as **Exhibit 25**.

12 6. In addition to the three statements contained within Exhibit 23, as part of the
13 investigation into the petition I referenced above, I exchanged several emails with former SFO Director
14 of Operations Raul Vargas and former SFO Safety Supervisor Kevin Blumberg regarding the process of
15 the investigation and potential outcomes. Following completion of that investigation and the decision to
16 terminate Plaintiff's employment, I personally printed a copy of that email exchange and placed it into
17 Plaintiff's personnel file, and to this day I have continued to retain possession and control over
18 Plaintiff's personnel file and the materials therein, including the email exchange I have just described.
19 A true and correct copy of that email exchange is attached hereto as **Exhibit 26**.

20 7. Following commencement of this litigation, I received from Menzies' legal counsel
21 copies of a letter appearing to be authored by Union steward Rafael Vazquez and what look like text
22 messages between Plaintiff and Mr. Vasquez. I do not recall ever seeing these documents prior to
23 commencement of this litigation, and Menzies does not have copies of these documents either within
24 Plaintiff's personnel file or any other record.

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1 I declare under penalty of perjury under the laws of the States of California, and the laws of the
2 United States, that the foregoing is true and correct.

3 Executed on October 14, 2020 at Burlingame, California.

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